

**K.A.R. 28-19-561 CLASS II OPERATING PERMITS; PERMIT-BY-RULE;  
RECIPROCATING ENGINES**

(a) For purposes of this regulation, a reciprocating engine stationary source shall be a source with one or more stationary reciprocating engines of any design or fuel type, which does not contain other emission units that alone or in combination with the reciprocating engines, would require that the source obtain a class I operating permit solely because of its potential-to-emit. For purposes of this regulation, a reciprocating engine stationary source shall be presumed to operate without emission controls, whether or not the source has emission controls.

(b) A reciprocating engine stationary source with a capacity of less than 730 horsepower, 550 kilowatts per hour, or 5.1 million Btu per hour fuel input, shall be presumed to have a potential-to-emit of less than 100 tons of any regulated pollutant per year and may elect to operate pursuant to this regulation in lieu of obtaining a class I or class II operating permit, provided that the source complies with the requirements of subsection (e) of this regulation if it exceeds this capacity.

(c) A reciprocating engine stationary source with a capacity of more than 730 horsepower, 550 kilowatts per hour, or 5.1 million Btu heat input per hour, may operate pursuant to this regulation and K.A.R. 28-19-542 if the owner or operator:

(1) limits the operations of the source during each consecutive twelve-month period to 5,800,000 horsepower hours, 4,300,000 kilowatt hours, or 40,000 million Btu fuel input;

(2) maintains on-site records demonstrating that the restrictions specified in this regulation have not been exceeded. Records shall be updated monthly, no later than the last day of the month following the month to which the records relate; and

(3) annually submits to the department by April 1 of each year, on forms provided or approved by the department, a report of the actual horsepower hours, kilowatt hours or Btu fuel input for the preceding calendar year.

(d) If, at the end of any calendar quarter, operations for the past four calendar quarters, including the most recent calendar quarter, have exceeded 85% of the restrictions specified in subsection (c)(1) of this regulation, the owner or operator shall report the actual operations for the past four quarters to the department.

K.A.R. 28-19-561

(1) The actual operations shall be reported in the same units as the restrictions specified in this regulation.

(2) The report shall be submitted to the department within 45 days of the last day of the month following the end of the calendar quarter.

(e) If, at any time, a reciprocating engine stationary source that has elected to operate in accordance with the terms of this regulation fails to meet any of the applicable requirements of this regulation, the owner or operator shall notify the department in writing, the notice to be mailed or delivered the first working day following discovery of the of the failure to meet any requirement. Within 60 days of discovery of any failure to meet a requirement, the owner or operator shall submit to the department a compliance plan identifying those actions being taken by the owner or operator to assure future compliance with the applicable requirements or to otherwise bring the source into compliance with this regulation or the Kansas air quality statutes and regulations. The owner or operator shall also file an application for any required operating permit within 180 days of discovery of an exceedance of a restriction. Compliance with the requirements of this subsection shall not shield the owner or operator from enforcement action for exceeding any applicable restriction or for other violations of the Kansas air quality act or regulations.

(f) A source that elects to operate in accordance with this rule shall continue to be subject to all other applicable requirements of the Kansas air quality statutes and regulations. (Authorized by K.S.A. 1993 Supp. 65-3005; implementing K.S.A. 1993 Supp. 65-3008; effective Jan 23, 1995.)

EPA Rulemakings

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Description: This revision adopts this new rule to establish the conditions for issuance of a permit-by-rule to specific source categories.

[illegible]

### Difference Between the State and EPA-Approved Regulation

None.